

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:09-cv-00307-MR**

UNITED COMMUNITY BANK,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER FOR FINAL</u>
)	<u>EXECUTION AND</u>
)	<u>PRECLUSION OF</u>
JORGE ANGARITA, et al.,)	<u>EXEMPT PROPERTY</u>
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on the Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights [Doc. 47].

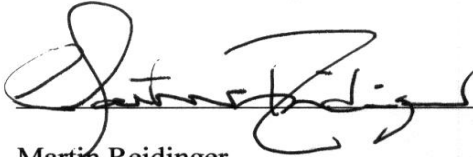
It appears to the Court that Judgment Debtor Sally Pena ("Judgment Debtor") has been served with copy of the Judgment together with a copy of the Notice of Right to Have Exemptions Designated and Schedule of Debtors Property and Request to Set Aside Exempt Property; that the Judgment Debtor has failed to file a Schedule of Debtors Property and Request to Set Aside Exempt Property; and that the Judgment Debtor has failed to request a hearing to set aside exempt property or otherwise respond within the time allowed. The Court, therefore, finds that the Judgment Debtor has had a reasonable opportunity to assert the

exemptions provided by law and that the Judgment Debtor's failure to respond should be considered a waiver of her right to have property set aside as exempt from the execution of the Judgment in this case.

Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Motion [Doc. 47] is **GRANTED**, and the Judgment Debtor Sally Pena is precluded from having any of her property set aside as exempt from Judgment in this case.

IT IS FURTHER ORDERED that a final execution be issued by the Clerk of this Court for the Collection of the Judgment in this case.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

